IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 156 OF 2007

Anand Anna Alkunte ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. Rajiv Patil, Advocate for the applicant.
Ms. R.M. Gadhvi, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 12TH MARCH, 2007.

P.C.

. Heard Mr. Patil, learned Counsel for the applicant and Ms. Gadhvi, learned APP for the State. Perused the investigation papers.

2. The applicant seeks anticipatory bail in Crime No. 3/2007 registered by Hadapsar Police Station for the offences punishable under Sections 143,147,149,323,324, 326 and 395 of Indian Penal Code. The offence was registered on the report by one Balram Laxman Shinde lodged on 3/1/2007. The report reveals that the present applicant and Balram Shinde were contesting election against each other. Prior to this incident, on 30th November, 2006 some quarrel had taken place at Vaidyawadi. On 3/1/2007 at about 9.A.M. Balram Shinde was sitting in front of Amarprit building

waiting for Sunil Mali and Namdeo Kotwal, who wanted to meet him. At about 9.30 a.m. the present applicant came there along with others and they were armed with hockey stick, stick, stones and bat etc. He was accompanied by 13 persons, including his two body guards, whose names are not known. Remaining names are mentioned in the FIR. They began to assault Balram Shinde. At that time 8 persons named in the FIR belonging to group of Balram Shinde came there to request the assailants not to assault. But the assailants assaulted those persons also and caused several injuries to them. One of them Shushila Anna Pawar suffered serious injury on the head and become unconscious and was admitted in Sasoon Hospital. During that incident, amount of Rs. 3500/- and some documents were taken away from the pocket of Balram. Similarly Mangal Sutras of Sushila Pawar, Lata Lakade and Meena Shinde were also forcibly snatched away by the assailants. On the basis of this report, offence came to be registered.

3. Applicant contended that he is innocent and because of political rivalry he is falsely implicated. According to him, on the same day he had also lodged

report about the assault at his office by Balram Shinde and his companions. In that report also allegations of dacoity were made. It appears that similar offence is registered against the rival group also.

4. Merely because two counter cases are registered and because there is a political rivalry, it cannot be presumed that the present applicant is being falsely implicated. It appears that besides the first informant Balaram Shinde, 8 other persons named in FIR had suffered several injuries. Balaram suffered as many as 8 injuries on different parts of the body. Taking into consideration the number of injuries suffered by so many persons, it is difficult to accept that the present applicant is falsely implicated. The presence of the applicant cannot be disputed because he himself lodged FIR in counter case. It appears that both the parties took up weapons, assaulted each other and caused injuries, because of political rivalry. It will not be justifiable to grant anticipatory bail in such cases, which would simply encourage such politicians to take arms and weapons to settle the dispute.

5. In view of the above circumstances, the

application stands rejected.

(J.H. BHATIA, J.)